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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/749,940	ELLENS ET AL.
	Examiner	Art Unit	
	William H. Wood	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-65,67 and 68*</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-65,67 and 68*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

·Claims 1-65, 67 and 68 are pending and have been examined.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and
> process of making and using it, in such full, clear, concise, and exact terms as to enable any
> person skilled in the art to which it pertains, or with which it is most nearly connected, to
> make and use the same and shall set forth the best mode contemplated by the inventor of
> carrying out his invention.

2.   Claims 1-65, 67 and 68 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. The

claim(s) contains subject matter which was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed

invention. New limitations found in independent claims not supported by

original disclosure.

Claim Rejections - 35 USC § 101

·3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

4.   Claims 37, 50, 54-57, 61, 63, 65 and 67-68 are rejected under 35

U.S.C. 101 because the claimed invention is directed to non-statutory subject

matter. The "means for" claims 37, 50, 54, 61, 63 and 65 and the "computer readable medium" claims 55-57 and 67-68 are not tangible as the claims are not limited to tangible products or mediums (Specification: page 3, lines 19-30; note transmission media, line 22). A signal has no physical structure and does not itself perform any useful, concrete and tangible result.

5.   Claims 1-27, 37, 50, 54, 58-59, 61 and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system/apparatus claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out (see Specification: page 3, lines 17-18, indicates possibly entire invention in software).

6.   Claims 28-36, 38-49, 51-53, 60 and 62-64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out (see Specification: page 3, lines 17-18, indicates possibly entire invention in software).

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68 are rejected under

35 U.S.C. 102(b) as being anticipated by **Svedberg** et al. (USPN 5,408,218).

<u>Claim 1</u>

Svedberg disclosed a system for managing a component-based system *(column*

2, lines 30-34), comprising:

  ♦ one or more application components, each of the components

    associated with a managed object representation comprising

    management logic of the component *(column 4, line 68 to column 5,*

    line 7, MOs being for software and hardware); and

  ♦ a management core providing a managed object view of each managed

    object representation *(column 11, lines 16-24; modeled MOs)* and

    allowing manipulation of management attributes of each managed

    object representation through at least one predetermined event policy

    (column 10, line 34 to column 11, line 34; predetermined event policy, at

    least the three bulleted items), <u>wherein manipulation of management</u>

attributes comprises sending control signals to the managed object

representation being managed *(column 8, lines 40-53; figure 6, element*

41 and figure 8, elements 3 and 4; column 11, line 43 to column 12, line

40), and wherein the management core includes a management event

concentrator for receiving and concentrating events from the managed

object representations associated with the application components

(column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34;

operation support system (OSS) provides receiving alarms in a

centralized fashion, ie. concentrating)

- wherein when a predetermined event is reported in association with

  one of the components, an associated event policy of the at least one

  predetermined event policy is performed *(column 11, lines 22-34).*

Claim 2

Svedberg disclosed the system of claim 1 further comprising a management

framework including the managed objects and supporting a variety of access

mechanisms to the managed object *(column 5, lines 1-7; column 9, lines 3-27).*

Claim 3

Svedberg disclosed the system of claim 2 further comprising at least one

management application associated with the management framework

performing management functions on the managed object wherein performance

of one of the at least one predetermined event policy causes performance of a

predetermined one of the at least one management application *(column 11, lines*

24-34; note functionality provided indicating application or module).

Claim 6

Svedberg disclosed the system of claim 1 wherein the management attributes

comprise at least one of: ability to provide service, usage of the component,

degree to which the component is allowed to provide service, status and alarm

attributes *(column 10, line 34 to column 11, line 34, note in particular column 10,*

line 41 to column 11, line 3).

Claim 7

Svedberg disclosed the system of claim 1 wherein the predetermined event is a

fault and the associated event policy is a fault management event policy

(column 2, lines 30-34).

Claim 8

Svedberg disclosed the system of claim 7 wherein the fault management event

policy comprises current status maintenance *(column 10, lines 34 to column 11,*

lines 34).

Claim 9

Svedberg disclosed the system of claim 1 wherein the predetermined event is

an alarm and the associated event policy is an alarm reporting function

(column 10, lines 34 to column 11, lines 34; note in particular column 11, line 31,

recording for analysis, ie. reporting).

Claim 10

Svedberg disclosed the system of claim 1 wherein the management attributes

comprise component dependency status *(column 12, line 41 to column 13, line*

28).

Claim 11

Svedberg disclosed the system of claim 1 further comprising at least one

metric associated to the managed object wherein the at least one metric may be

used to measure performance attributes of the component *(column 11, lines 8-*

15, thresholds).

Claim 13

Svedberg disclosed the system of claim 1 wherein the at least one

predetermined event and the associated event policy are configured into the

managed object view of the component *(column 11, lines 16-22, MOs).*

Claim 19

Svedberg disclosed the system of claim 1 wherein the system is a telephony

network *(column 1, line 20).*

Claim 20

Svedberg disclosed the system of claim 1 wherein the system is a hybrid

network *(column 1, line 15, complex electrical systems).*

Claim 21

Svedberg disclosed a system for managing a component-based system,

comprising:

- ◆ one or more application components, each of the components

  associated with a managed object representation comprising

  management logic of the component *(column 4, line 64 to column 5,*

  line 10); and

- ◆ a management framework including the managed objects and a

  management event concentrator and allowing manipulation of

  management attributes of each managed object through at least one

  predetermined event policy *(column 1, lines 31-34; column 3, lines 61-*

  63; column 11, lines 16-34).

- ◆ *(additional limitations correspond to claim 1 and are rejected in the*

  same manner)

Additional limitation rejected corresponding to claim 1's additional limitation.

Claim 22

Svedberg disclosed the system of claim 21 wherein the managed object

comprises a managed object interpreter and at least one management

component, each management component including one of the management

attributes *(column 11, lines 35-42).*

Claim 23

Svedberg disclosed the system of claim 21 wherein each managed object in the

system sends management events to the management event concentrator

(column 2, line 30 to column 3, line 63; column 1, lines 31-34; column 3, lines 61-

63; column 11, lines 16-34; operation support system (OSS) provides receiving

alarms in a centralized fashion, ie. concentrating).

Claim 24

Svedberg disclosed the system of claim 23 further comprising at least one

manager module coupled to the management event concentrator wherein each

manager module monitors a specific management attribute for the system

(column 11, lines 24-34; note functions embodied in some structure).

Claim 25

Svedberg disclosed the system of claim 24 further comprising a management layer including the at least one manager module and at least one node specific management application programming interface ("API") wherein each manager module reports management information to a node specific element management system through the node specific API *(column 9, lines 3-27; note Object Programmer's Interface)*.

Claim 26

Svedberg disclosed the system of claim 21 wherein each managed object and each management component comprise an identifier to allow the management system to access specific management components *(column 13, lines 50-54; column 1, lines 31-36, identification required)*.

Claim 27

Svedberg disclosed the system of claim 26 wherein the identifiers are mapped into a single tree structure *(figure 9, figure 5)*.

Claim 28

Svedberg disclosed a method of managing a component-based system *(column 2, lines 30-34; column 4, line 64 to column 5, line 10)* comprising:

- retrieving a record associated with a component *(column 10, line 34 to column 11, line 34)* over a management event concentrator, wherein the management event concentrator receives and concentrates events from at least one managed object associated with the application components *(column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating)*;

- establishing component events for managing the component *(column 10, line 34 to column 11, line 34)*;

- selecting at least one event policy from a event policies storage area *(column 11, lines 16-34; event policies provided and therefore must be selected at some point)*; and

- associating at least one component event to each selected event policy to configure the component creating a network application, which may include additional configured components *(column 11, lines 16-34; event policies clearly associated at some point)*,

- wherein the associated event policy is performed in the component based system if the at least one component event occurs *(column 10, line 34 to column 11, line 34)*.

Additional limitation rejected corresponding to claim 1's additional limitation.

Claim 29

Svedberg disclosed the method of claim 28 further comprising storing the network application in an application model storage area *(column 2, lines 30-34, at least the memory of the system)*.

Claim 33

Svedberg disclosed method of claim 28 further comprising associating the at least one

component to a managed object representation in a management framework wherein the managed object representation is associated with the associated event policy *(column 4, line 64 to column 5, line 10; column 11, lines 16-34)*.

Claim 34

Svedberg disclosed method of claim 28 further comprising associating the component with a management framework coupled to at least one management application performing a management functions wherein performance of the associated event policy causes performance of a predetermined one of the at least one management application *(column 11, lines 16-34, the operations must be performed by some "application"; additionally, the overall system column 4, line 64 to column 5, line 10)*.

Claim 35

Svedberg disclosed method of claim 28 further comprising manipulating management

attributes of the component through the associated event policy wherein the

management attributes comprise at least one of: ability to provide service,

usage of the component, degree to which the component is allowed to provide

service, status and alarm attributes *(see claims 5 and 6)*.

Claim 36

Svedberg disclosed the method of claim 28 wherein the event policy comprises

one of: a state change, a status change and an alarm report *(see claim 9)*.

Claim 37

The limitations of system claim 37 correspond to method claims 28 and 21 and

as such are rejected in the same manner.

Claim 38

Svedberg disclosed a method of managing a component-based system *(column

2, lines 30-34)*, comprising:

> a) receiving a report of an event from at least one component *(column 11,*
>
> *lines 22-34)*;

b) performing a management event policy associated with the event if the

event matches an event stored in a managed object representation of the

component *(column 11, lines 22-34)*, wherein the event is received via a

management event concentrator for receiving and concentrating events

from the managed object representation of the component *(column 1,*

lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation

support system (OSS) provides receiving alarms in a centralized fashion,

ie. concentrating); and

c) managing the at least one component using the result of the

management event policy performed *(column 10, line 34 to column 11, line*

34).

Additional limitation rejected corresponding to claim 1's additional limitation.

Claim 39

Svedberg disclosed the method of claim 38 wherein performing the

management event policy comprises manipulating management attributes of

the component *(see claim 1)*.

Claim 40

Svedberg disclosed the method of claim 39 wherein manipulating the

management attributes of the component comprises manipulating indicators of

at least one of ability to provide service, usage of the component, degree to

which the component is allowed to provide service, status and alarm attributes
(see claim 6).

Claim 41

Svedberg disclosed the method of claim 38 wherein managing the at least one
component comprises performing a management application if the result of the
management event policy performed matches a predetermined management
event policy result *(see claim 34)*.

Claim 45

Svedberg disclosed the method of claim 38 wherein managing the at least one
component comprises storing the result of the component event policy
performed in a management aggregator and performing a management event
policy when the number of component event policy results stored in the
management aggregator reaches a predetermined value *(column 11, lines 8-15,
thresholds and means for recording them)*.

Claim 46

Svedberg disclosed the method of claim 38 wherein the event comprises a fault
and performing the associated management event policy comprises performing
a fault management event policy *(see claim 7)*.

Claim 47

Svedberg disclosed the method of claim 46 wherein performing a fault

management event policy comprises updating a status of the component *(see*

claim 8).

Claim 48

Svedberg disclosed the method of claim 38 wherein the event comprises an

alarm and performing the event policy comprises reporting the alarm *(see claim*

9).

Claim 49

Svedberg disclosed the method of claim 38 further comprising measuring

performance attributes of the component using the result of the management

event policy *(column 11, lines 31-34).*

Claim 50

The limitations of system claim 50 correspond to method claims 28 and 21 and

as such are rejected in the same manner.

Claim 51

Svedberg disclosed a method of managing a component based system

comprising:

- registering at least one manager module to monitor a management
  event for the network *(column 4, line 64 to column 5, lines 17)*;

- receiving an event report from a first component *(column 10, line 34 to
  column 11, line 34; additional limitations of concentrator, see claim 1)*;

- performing an event policy associated with the event if the event
  matches a predetermined event policy triggering event *(column 11,
  lines 16-34)*;

- transmitting a result of the event policy performance to the at least
  one manager module if the result of the event policy performance
  matches the management event monitored by the at least one
  manager module *(column 11, lines 8-34)*; and

- using the result of the event policy performance to manage at least
  the first component and a second component associated with the first
  component *(column 11, lines 63-68; column 12, lines 27-33)*.

Additional limitation rejected corresponding to claim 1's additional limitation.

Claim 53

Svedberg disclosed the method of claim 51 wherein receiving the event report
comprises receiving the event report from a context-specific logic through a
context-free management logic of the component *(column 11, lines 16-21)*.

Claim 54

The limitations of system claim 54 correspond to method claim 51 and as such are rejected in the same manner.

Claim 55

The limitations of system claim 55 correspond to method claims 28 and 21 and as such are rejected in the same manner.

Claim 56

The limitations of system claim 56 correspond to method claim 38 and as such are rejected in the same manner.

Claim 57

The limitations of system claim 57 correspond to method claim 51 and as such are rejected in the same manner.

Claim 58

Svedberg disclosed the system of claim 1 wherein at least one management module is configured to communicate with each management object through a management event concentrator *(column 5, lines 18-28; and column 11, lines 8-34, most importantly note lines 24-34; multiple events controlled by respective systems and concentrated into a main system).*

Claims 59-65 and 67-68

The limitations of claims 59-65 and 67-68 correspond to system claim 58 and

as such are rejected in the same manner.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

10.   Claims 4, 5, 15, 16-18, 42-44 and 52 are rejected under 35 U.S.C. 103(a)

as being unpatentable over **Svedberg** et al., (USPN 5,408,218).

Claim 4

Svedberg did not explicitly state dependency management application

performing second event policy in relation to a dependent component if a first

event policy is performed on a first component. However, **Svedberg**

demonstrated that it was known at the time of invention to perform policy

based upon event occurrences (column 11, lines 22-35) and also managed

objects/components commonly have dependency relationships (column 2, lines

57-61). It would have been obvious to one of ordinary skill in the art at the

time of invention to implement the managed object coordination/management

system of **Svedberg** with event policy related by dependent components as

suggested by **Svedberg**'s own teaching. This implementation would have been

obvious because one of ordinary skill in the art would be motivated to provide a

system of interrelated components with the ability to react and repair/avoid

faults/errors in a coordinated manner, event policy included (column 2, lines

30-34; column 1, lines 46-63; column 11, lines 26-30).

Claim 5

Svedberg disclosed the system of claim 4 wherein the first management event

policy comprises at least one of: a state change, a status change and an alarm

report of the first component *(column 10, line 34 to column 11, line 34)*.

Claim 15

Svedberg disclosed the system of claim 1 wherein the management attributes

comprise state and component dependency *(column 12, line 41 to column 13,*

line 28). **Svedberg** did not teach wherein a predetermined dependency event

policy is performed on a first component based on the state of a second

component upon which the first component is dependent. However, **Svedberg**

demonstrated that it was known at the time of invention to perform policy

based upon event occurrences (column 11, lines 22-35) and also managed

objects/components commonly have dependency relationships (column 2, lines

57-61), state being an event. It would have been obvious to one of ordinary

skill in the art at the time of invention to implement the managed object

coordination/management system of **Svedberg** with event policy related by

dependent components as suggested by **Svedberg**'s own teaching. This

implementation would have been obvious because one of ordinary skill in the

art would be motivated to provide a system of interrelated components with the

ability to react and repair/avoid faults/errors in a coordinated manner, event

policy included (column 2, lines 30-34; column 1, lines 46-63; column 11, lines

26-30).

Claims 16-18

Svedberg did not explicitly state the system of claim 15 wherein the

dependency event policy comprises startup of the first component; shutdown of

the first component; and rerouting the dependency of the first component.

However, **Svedberg** demonstrated that it was known at the time of invention to

replace component, and thus require startup and shutdown (column 11, lines

24-26), to reroute or reconfigure networks (column 11, lines 27-32) and to

provide component dependencies. It would have been obvious to one of

ordinary skill in the art at the time of invention to implement the fault

management system of **Svedberg** with an event policy performing necessary

component operations based upon component dependency relationships as

suggested by **Svedberg**'s own teaching. This implementation would have been

obvious because one of ordinary skill in the art would be motivated to keep the

entire network, individual MO's and dependency relationship MO's, functioning

smoothly and in synch (column 2, lines 57-62).

Claim 42

Svedberg disclosed the method of claim 41 wherein the management event

policy is a first management event policy and the component is a first

component, and performing the management application comprises performing

a second management event policy on a second component if the first

management event policy is performed on the first component upon which the

second component is dependent *(see claim 4)*.

Claim 43

Svedberg disclosed the method of claim 38 wherein the first management

policy comprises performing at least one of a state change, a status change, an

alarm report, a startup and a shutdown of the component *(see claim 5; figure 4,*

multiple components).

Claim 44

Svedberg disclosed the method of claim 38 wherein the second management

event policy comprises performing one of a state change, a status change, an

alarm report, a startup, a shutdown and rerouting of the component *(see claim 5 and 16-18; figure 4, multiple components).*

Claim 52

Svedberg disclosed the method of claim 51 further comprising:

- connecting to a first managed object associated with the first component and a second managed object associated with the second component *(column 1, lines 31-45)*;

- associating at least one event policy with at least one event of each of the first component and the second component *(column 1, lines 31-45; column 11, lines 16-34)*; and

Svedberg did not explicitly state startup of components. However, **Svedberg** demonstrated that it was known at the time of invention to replace component, and thus require startup and shutdown (column 11, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management system of **Svedberg** with an event policy performing necessary component operations as suggested by **Svedberg**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep the entire network functioning smoothly and correctly without errors (column 2, lines 57-62; related components going on and offline; column 5, lines 2-43).

9.   Claims 12, 14 and 30-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Svedberg** et al., (USPN 5,408,218) and **Dev** et al. (USPN

5,261,044).

Claim 12

Svedberg did not explicitly state the system of claim 1 wherein the at least one

predetermined event and the associated event policy may be edited. **Dev**

demonstrated that it was known at the time of invention to edit network

models (column 10, lines 3-40). It would have been obvious to one of ordinary

skill in the art at the time of invention to implement the fault management of

network system of **Svedberg** with editing parameters functions as found in

Dev's teaching. This implementation would have been obvious because one of

ordinary skill in the art would be motivated to provide a flexible system which

is capable of change as and administrator deems necessary.

Claim 14

Svedberg did not explicitly state the system of claim 13 wherein the at least

one predetermined event and the associated event policy are configured using a

management editor tool. **Dev** demonstrated that it was known at the time of

invention to edit network models (column 10, lines 3-40). It would have been

obvious to one of ordinary skill in the art at the time of invention to implement

the fault management of network system of **Svedberg** with editing parameters

functions as found in **Dev**'s teaching. This implementation would have been

obvious because one of ordinary skill in the art would be motivated to provide a

flexible system which is capable of change as and administrator deems

necessary.

Claim 30

Svedberg and **Dev** disclosed the method of claim 28 wherein associating the

component event to the

selected event policy comprises associating the component event to the selected

event policy using a management editor tool _(see claim 14)._

Claim 31

Svedberg and **Dev** disclosed the method of claim 28 further comprising editing

the at least one event _(see claim 12)._

Claim 32

Svedberg and **Dev** disclosed the method of claim 28 further comprising editing

the associated event policy _(see claim 12)._

Response to Arguments

11.   Applicant's arguments filed 05 December 2006 have been fully

considered but they are not persuasive. Applicant argues: [1] 35 U.S.C. 101

does not prevent a claim to signal representations; 2) the claimed invention does require hardware; 3) **Svedberg** did not disclose "wherein manipulation of management attributes comprises sending control signals to the managed object representation being managed"; and 4) the limitations of claim 22 are not disclosed. These arguments are not persuasive.

First, due to the "means for" or "medium" recitations of the claims 37, 50, 54-57, 61, 63, 65 and 67-68, the originally filed disclosure (in this case specification) must be consulted to determine the proper scope. As previously indicated, the specification calls for "transmission media" (Specification: page 3, lines 19-30; note transmission media, line 22), a signal. Claims containing functional descriptive material must be claimed in combination with an appropriate medium in order to be statutory. A signal is not an appropriate medium.

Second, the specification does not require hardware to be present in the claimed invention, thus providing that the claimed invention could be directed to software alone. The sentence actually reads, "embodiments of the invention **are not limited** to specific combination of hardware circuitry and software" (emphasis added, specification: page 3, lines 17-18). The disclosure actively broadens the system/apparatus claims to non-tangible forms making the claims non-statutory under 35 U.S.C. 101.

Third, as previously indicated above, **Svedberg**: column 8, lines 40-52 disclosed the newly added amendments.

Fourth, the limitations are clearly present in the cited passage of

Svedberg. Merely, stating the previously cited portions of the cited art fail to

disclose the claim limitations is not a full response. The rejection position is as

indicated above and previously.

Having addressed all of Applicant's concerns, the rejections are

maintained as indicated above.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained form either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see http://pair-direct.uspto.gov. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

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